

Leavy, Jacqueline

From: Jan Goldman-Carter [goldmancarterj@nwf.org]
Sent: Friday, August 09, 2013 3:52 PM
To: Mccarthy, Gina; Wachter, Eric; Perciasepe.bob@Epa.gov; Stoner, Nancy; Kopocis, Ken
Subject: Sportsmen Unite to Urge Administration Action on Clean Water Act
Attachments: OMB-CWA rule support 8 9 13 pm.pdf

Categories: Red Category

Administrator McCarthy et al --

Today we are mailing and faxing to OMB the attached letter urging OMB action on EPA and Corps "Waters of the United States" guidance and rulemaking.

Thank you,

Jan Goldman-Carter

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National Wildlife Federation · Pheasants Forever · Quail Forever
The Wildlife Society · Theodore Roosevelt Conservation Partnership
Trout Unlimited · Wildlife Management Institute**

August 9, 2013

Sylvia Mathews Burwell, Director
Office of Management and Budget

Howard Shelanski, Administrator
Office of Information and Regulatory Affairs

Dear Ms. Burwell and Mr. Shelanski:

The organizations listed above, representing millions of hunters, anglers, conservationists, and resource managers nationwide, look forward to working with you in your new positions at the Office of Management and Budget (OMB) to advance sportsmen's interest in the nation's waters. In particular, we urge you to act immediately to clarify and restore Clean Water Act protections to the nation's wetlands, lakes, and streams.

For more than two years, the administration has conducted a comprehensive interagency and public process to clarify the reach of the Clean Water Act in a manner that is both legally and scientifically sound. This work has involved the development and analysis of both field guidance and draft rulemaking. It has entailed extensive legal, scientific, and economic analysis, as well as an unprecedented degree of stakeholder and public involvement.

We appreciate the heavy investment of resources in this effort by the U.S. Army Corps of Engineers and Environmental Protection Agency (EPA), as well as the Council on Environmental Quality. However, the guidelines for identifying waters protected by the Clean Water Act have been pending at the Office of Information and Regulatory Affairs (OIRA) for more than 18 months -- since February 2012. Continued delay is inexcusable and puts critical wildlife and habitat at risk. The administration has also failed to initiate OIRA review of a proposed rule on this issue even though EPA and the Corps announced over two years ago -- in the 2011 draft guidance -- their plans to undertake rulemaking after taking into account public comments on the guidance.

As a candidate in 2008, President Obama promised sportsmen his administration would help restore the Clean Water Act's protections to wetlands and other waters left in legal limbo. EPA and the Army Corps of Engineers released draft replacement guidelines for public comment in early 2011. Over 230,000 comments -- the vast majority positive --

were submitted on the draft. Hunting and angling organizations, watershed groups, environmental groups, municipal officials, farmers, state pollution control officials, and concerned citizens weighed in to support restored protections for critical waters. Moreover, EPA has estimated that the guidance's annual benefits outweigh its costs by as much as four to one.

Clean water protections for millions of small and intermittently-flowing streams and wetlands have been in limbo for more than a decade because of a pair of Supreme Court cases and flawed policies put in place to implement those court rulings. As a result, many valuable wetlands, lakes, and small streams have been almost entirely written off, and others are now harder to protect. The result has been that Clean Water Act safeguards for these at risk waters have been significantly undermined.

These headwaters and wetlands absorb flood waters, they filter pollutants from contaminated water, and they contribute to the drinking water supply of over 117 million Americans. They also support fish, waterfowl, and healthy waters that are prized by anglers and hunters and that support a multi-billion dollar outdoor recreation industry. Anglers alone generated nearly \$115 billion in total economic activity in 2011, breathing life into rural communities and supporting more than one million jobs across the country.

Action to protect the nation's waters from pollution and habitat destruction is long overdue. We urge you to act immediately to finalize the guidance and launch the formal rulemaking that all sides agree is badly needed to provide clarity and certainty to land owners, developers, conservationists, and state and federal agencies alike.

Respectfully,

Gus Rassam, PhD
Executive Director
American Fisheries Society

Larry Schweiger
President and CEO
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cc: The Honorable Gina McCarthy, Administrator, Environmental Protection Agency
The Honorable Jo-Ellen Darcy, Assistant Secretary of Army (Civil Works)
The Honorable Nancy Sutley, Chair, White House Council on
Environmental Quality
The Honorable Tom Vilsack, Secretary, U.S. Department of Agriculture